

### REMARKS

Claims 1-26 and 27-34 are pending. Claims 1, 9, 14 and 22 have been amended to clarify the subject matter. In particular, claims 1, 9, 14 and 22 have been amended to make clear that the "second polysilicon layer is not in direct contact with the base region." Support for such an amendment can be found in, for example, in the specification and in FIG. 4. New dependent claims 27-34 have been added and are described in detail below. No new matter has been added.

In view of the following remarks, the applicants respectfully request withdrawal of each of the rejections and allowance of the application.

#### Claim Rejections 35 USC § 102

Claims 1, 2, 7, 8-10, 14, 15, 17 and 20-23 have been rejected under 35 USC 102(b) as being anticipated by Isaac et al.

Applicants submit that the cited reference does not anticipate the claimed invention for at least the following reasons.

Amended claim 1 recites:

A method of fabricating a polysilicon emitter in a semiconductor transistor having an emitter window exposing a base region, the method comprising:

forming a first polysilicon layer within the emitter window on at least the base region;

forming an interfacial oxide layer in an upper portion of the first polysilicon layer; and

forming a second polysilicon layer on the interfacial oxide, **wherein the second polysilicon layer is not in direct contact with the base region.**

(Emphasis Added)

Applicants submit that the above bolded features are not disclosed, taught, or suggested by the cited prior art reference. FIG. 1 of the Isaac patent shows a device that includes a polysilicon layer 18 that **is in direct contact** with an intrinsic base 24 and an extrinsic base 16.

In contrast, claim 1 recites a second polysilicon layer and a base region such that the second polysilicon layer "is **not** in direct contact with the base region." Thus, the Isaac patent does not anticipate claim 1 for at least the above reasons.

Independent claims 9, 14 and 22 have been amended to recite similar features similar to the above bolded features of amended claim 1. Thus, these claims should be allowable for at least the same reasons as claim 1. Likewise, claims dependent on these independent claims should be allowable for at least the same reasons.

#### Claim Rejections 35 USC § 103

Claims 3, 5, 6, 11-13, 16, 18, and 19-24 have been rejected under 35 USC 103(a) as being unpatentable over Isaac.

Independent claims 1, 9, 14 and 22 are patentable in view of the amendments and comments above. Dependent claims 3, 5, 6, 11-13, 16, 18, and 19-24 should be allowable for at least the above reasons.

#### New Claims

New claims 27, 29, 31 and 33 recite that the "first polysilicon layer is in direct contact with an intrinsic base region." In contrast, the Isaac patent discloses a polysilicon layer 18 that is in **not** in direct contact with an intrinsic base 24. As explained above, independent claims 1, 9, 14 and 22 should be allowable, thus respective dependent claims 27, 29, 31 and 33 should be allowable for at least the same reasons as the respective independent claims.

New claims 28, 30, 32 and 34 recite that the "second polysilicon layer is not in direct contact with an intrinsic base region." In contrast, the Isaac patent discloses a polysilicon layer 30 that is **in** direct contact with an intrinsic base 24. As explained above, independent claims 1, 9, 14 and 22 should be allowable, thus respective dependent claims 28, 30, 32, and 34 should be allowable for at least the same reasons as the respective independent claims.

Enclosed is a check for excess claims.

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Page : 9 of 9

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Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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Arthur Ortega  
Reg. No. 53,422

Fish & Richardson P.C.  
45 Rockefeller Plaza, Suite 2800  
New York, New York 10111  
Telephone: (212) 765-5070  
Facsimile: (212) 258-2291